

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

**In re: Donald V. Young, Jr.,**

**Debtor.**

**No. 13-07-11797 SR**

**Order Confirming Chapter 13 Plan dated July 27, 2007**

THIS MATTER came before the Court on the request of the debtor to: (1) confirm the Chapter 13 Plan. After considering the pleadings on file, the Court finds as follows:

1. On July 27, 2007, Debtor filed a Notice of Deadline for Filing Objections to (1) Confirmation of Chapter 13 Plan (the *Notice*). On July 27, 2007, the Notice was mailed to all creditors and other parties in interest and was served on those who were the subject of motions. The Notice specified that any objection was to be filed with the Clerk and a copy served on Debtor's attorney and the Chapter 13 Trustee within 25 days of the mailing. The time of objecting to the Plan expired on August 24, 2007.

2. No objection or other responsive pleading has been timely filed with the Clerk, served on Debtor's attorney or served on the Chapter 13 Trustee.

3. The Debtor's Chapter 13 Plan complies with Chapter 13 and all other applicable provisions of Title 11, United States Code.

4. Any fee, charge, or amount required under Chapter 13 of Title 28, United States Code, or by the Plan, to be paid before confirmation, has been paid.

5. The Plan has been proposed in good faith and not by any means forbidden by law.

6. The value, as of the effective date of the Plan, of property to be distributed under the Plan on account of each unsecured claim is not less than the amount that would be paid on such claim if the estate of the Debtor was liquidated under Chapter 7 of Title 11, United States Code.

7. The Plan provides that the holders of secured claims shall retain their liens, and the value, as of the effective date of the Plan, of property to be distributed under the Plan on account of secured claims is not less than the allowed amount of those claims.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Plan of the Debtor filed in this case on July 27, 2007, as amended by subsequent modifications, if any, be and the same is hereby confirmed.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that:

1. The payment, in certified funds (cashier's check, money order, or other instrument guaranteeing payment) required under the aforesaid Plan, or any subsequent modifications, shall be made to Standing Chapter 13 Trustee, Post Office Box 1788, Albuquerque, NM, 87103-1788, on or before August 20, 2007, and shall continue on the same numbered date of each month thereafter until the Plan is completed or until further Order of this Court.

2. Debtor's attorneys fees and costs shall be paid as follows: (a) Counsel for the Debtor anticipates attorneys fees, filing fee, tax, costs and charges owed in an amount of at least \$2,000.00 ("Pre-application Fees"); (b) counsel for the debtors shall be permitted to apply a pre-petition retainer (the "Retainer") in the amount of \$1,000.00 to the Pre-application Fees; (c) upon confirmation, the trustee shall, to the extent funds exist, distribute the difference between the Pre-application Fees and the Retainer to counsel for the debtors; (d) within fifteen (15) days of confirmation of the Plan, counsel for the debtors shall file a fee application; (e) any fees requested in addition to the Pre-application Fees shall only be paid by the trustee after approval by the court.

In the event that the fees approved by the court are less than the Pre-application Fees, and counsel for the debtors has received the Pre-application Fees, then counsel for the debtors will be required to disgorge the difference between the Pre-application Fees and the amount awarded.

3. The Debtor herein shall not incur any new indebtedness other than debts incurred in the ordinary course of the Debtor's business, without further Order of this Court.

4. The Trustee is hereby allowed a maximum of 10% of the Debtor's gross Plan payments as commission and expenses in accordance with 28 U.S.C. § 586(e)(1)(B).

5. The Debtor shall prepare and provide the Chapter 13 Trustee with monthly operating reports if Debtor is self-employed.

6. During the administration of the Debtor's Plan, the Debtor shall keep the Trustee informed at all times of the Debtor's current address.

  
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United States Bankruptcy Judge

*Respectfully submitted:*

SANDERS, BRUIN, COLL & WORLEY, P.A.

By: Clarke C. Coll/S/Submitted Via E-mail

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*Approved:*

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